

Application No.: 10/605,624

Docket No.: 22137-00003-US1

**REMARKS**

This amendment is being submitted concurrently with a Request for Continued Examination in response to the Final Office Action mailed January 14, 2005.

Claims 1-3 and 5-11 remain pending in this application. Claims 1, 3, 6, 7, and 9 are independent. Claims 1-3, and 6-9 have been amended by this amendment, and no claims have been canceled by this amendment.

The claim amendments are submitted as further distinguishing over the applied art. No new matter has been introduced by any claim amendment.

**Anticipation Rejection over Kameda et al. (US 5,467,668)**

Withdrawal of the rejection of claims 3, 6, and 9 under 35 U.S.C. §102(b) as being anticipated by Kameda et al. (US 5,467,668) is requested. Kameda et al. does not disclose all the claimed limitations in independent claims 3, 6, and 9, as amended.

Applicant notes that anticipation requires the disclosure, in a prior art reference, of each and every limitation as set forth in the claims.<sup>1</sup> There must be no difference between the claimed invention and reference disclosure for an anticipation rejection under 35 U.S.C. §102.<sup>2</sup> To properly anticipate a claim, the reference must teach every element of the claim.<sup>3</sup> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference".<sup>4</sup> "The identical invention must be shown in as complete detail as is contained in the ...claim."<sup>5</sup> In determining anticipation, no claim limitation may be ignored.<sup>6</sup>

<sup>1</sup> *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985).

<sup>2</sup> *Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 USPQ2d 1001 (Fed. Cir. 1991).

<sup>3</sup> See MPEP § 2131.

<sup>4</sup> *Verdegaal Bros. v. Union Oil Co. of Calif.*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

<sup>5</sup> *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

<sup>6</sup> *Pac-Tex, Inc. v. Amerace Corp.*, 14 USPQ2d 187 (Fed. Cir. 1990).

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Kameda et al. is directed to a conventional, transverse mounted powertrain for a front-wheel drive automotive vehicle. The engine and transaxle are disclosed as being located in the front of the vehicle, and arranged so that their *respective drive or crank shafts are arranged transversely to the longitudinal axis of the automotive vehicle.*

Kameda et al. does not disclose a non-transverse propulsion drive arrangement for a vehicle, which includes, among other features, "...a single drive shaft coupled to a single output shaft of the transmission; and coupled to the single drive shaft, means for propelling the vehicle...wherein each of the respective longitudinal axes of the engine and transmission are aligned with a longitudinal axis of the vehicle in a non-transverse manner; and wherein the means for propelling the vehicle comprises a propeller coupled to the single drive shaft," as recited in independent claim 3, as amended.

Kameda et al. is a front-wheel drive automotive vehicle, and is completely silent on any teaching of a propeller coupled to a drive shaft, as recited.

Further, Kameda et al. does not disclose a non-transverse propulsion drive arrangement for a vehicle, wherein, among other features, "...each of the respective longitudinal axes of the engine and transmission are aligned with a longitudinal axis of the vehicle in a non-transverse manner, and wherein both the engine and transmission are arranged in front of the axle and differential in a mid-mounted engine configuration," as recited in independent claim 6, as amended.

Kameda et al. discloses a front-wheel drive vehicle with a transverse-mounted engine/transmission arrangement.

Finally, Kameda et al. does not disclose a method of providing propulsion for a vehicle which includes, among other features, "...arranging an engine and a transmission to be side-by-side in a non-transverse manner with respect to a longitudinal axis of the vehicle so that respective output shafts are essentially parallel and displaced from each other and aligned along the longitudinal axis of the vehicle...reversing a direction of the torque output from the engine

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output shaft...; and coupling a single transmission output to a propeller,” as recited in independent claim 9, as amended.

As indicated above, Kameda et al. is a front-wheel drive automotive vehicle, and is completely silent on any teaching of coupling a transmission to a propeller, as recited. Further, power transfer gear train 12 disclosed in Kameda et al does not *reverse* the direction of torque output from the engine shaft.

In engineering mechanics, torque is widely recognized as a vector quantity which, by convention, has a direction determined by the so-called “right-hand rule” where, if the fingers of the right hand are arranged coincident with the direction of rotation, the person’s right thumb “points” in the direction of the torque vector. Given the odd number of gears in gear train 12, the vector direction of *the output torque at the output of gear train 12 of Kameda et al. is not reversed with respect to the input torque coming from input shaft 21*. In contrast, Applicant’s transfer case is specifically disclosed and recited as “reversing” the torque, as that term would be understood by a person of ordinary skill in the art.

Accordingly, withdrawal of the rejections and allowance of claims 3, 6, and 9 are requested.

**Unpatentability Rejection over Kameda et al. and Roycroft et al.**

Withdrawal of the rejection of claims 1-2, 5, 7-8, and 10-11 under 35 U.S.C. §103(a) as being unpatentable over Kameda et al. in view of Roycroft et al. (US 6,821,166) is requested. The applied art at least does not teach or suggest all the claimed limitations in presently amended independent claims 1 and 7, from which claims 2, 5, 8, and 10-11 variously and ultimately depend.

In particular, the applied art, taken alone or in combination, does not teach or suggest a non-transverse propulsion drive arrangement for a vehicle wherein, among other features, “...the engine is located at a position which is laterally offset from and adjacent to a side of the transmission so as to be essentially parallel with the transmission along respective longitudinal axes thereof, ... [and] wherein each of the respective longitudinal axes of the engine and

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transmission are aligned with a longitudinal axis of the vehicle in a non-transverse manner, and wherein both the engine and transmission are arranged behind the axle and differential in a rear-mounted engine configuration,” as recited in independent claim 1, as amended.

Further, the applied art, taken alone or in combination, does not teach or suggest a method of providing propulsion for a vehicle, which includes, among other features, “...arranging an engine and a transmission to be side-by-side in a non-transverse manner with respect to a longitudinal axis of the vehicle so that respective output shafts are essentially parallel and displaced from each other and aligned along the longitudinal axis of the vehicle...reversing a direction of the torque output from the engine output shaft...wherein both the engine and transmission are arranged behind the one or more drive elements of the vehicle in a rear-mounted engine configuration,” as recited in independent claim 7, as amended.

Kameda et al. is directed to a transversely mounted engine/transmission arrangement. Roycroft et al. is directed to a power train in which, in all embodiments, *engine 18 is located in front of the rear wheels, and the transmission is arranged in line with and behind the engine*. Clearly, the applied art does not teach or suggest all the limitations recited in independent claims 1 and 7.

Contrary to the Examiner's assertions, and as can be clearly seen in Roycroft et al. Figure 10, the applied art does not teach or suggest engine 18 *behind* the rear wheels 30/32 or axle shafts 58/60.

Since the applied art does not teach or suggest all the claimed limitations of independent claims 1 and 7, from which dependent claims 2, 5, 8, and 10-11 variously and ultimately depend, withdrawal of the rejection and allowance of claims 1-2, 5, 7-8, and 10-11 are respectfully requested.

### Conclusion

In view of the above amendment and remarks, applicant believes that each of pending claims 1-3 and 5-11 in this application is in immediate condition for allowance.

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In the event that the Examiner believes that an interview would serve to advance prosecution of this application, the undersigned attorney is available at the telephone number indicated below.

For any fee that is due, including any fees for extensions of time, please charge CBLH Deposit Account No. 22-0185, under Order No. 22137-00003-US1 from which the undersigned is authorized to draw.

Respectfully submitted,

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